NEW HEIGHTS SCHOOL
Focus · Learn · Achieve

Searching, Screening and Confiscation Policy

Status	**Non-Statutory**
Responsible Governors' Committee	**Full Governing Body**
Date last approved by GB	**November 2025**
Responsible Person	**Co-Headteachers**
Review Date	**November 2026**
Last Amended Date	**September 2022**

INTRODUCTION

This policy sets out the school's framework for responding to a student having, or suspected of having a prohibited item.

This policy is linked with the Department for Education document, "Searching, Screening & Confiscation – Advice for headteachers, staff and governing bodies" (DfE, July 2022), the Education and Inspections Act 1996, and the Education Act 2011.

This policy should be read in conjunction with the following school policies:

- Relationships and Resolution Policy
- Safeguarding Policy and Procedures

PROHIBITED ITEMS

Headteachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- *knives or weapons*
- *alcohol*
- *illegal drugs*
- *stolen items*
- *tobacco and cigarette papers*
- *fireworks*
- *pornographic images*
- *any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or*
- *to cause personal injury to, or damage to the property of, any person (including the pupil).*

Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for. (DfE 2022)

SCREENING

The school has hand held scanners in order to screen pupils. Pupils can be screened even if they are not suspected of having a weapon and without the consent of the pupil. Any member of staff can screen a pupil – see guidance below:

Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils.

- *Schools' statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.*
- *Any member of school staff can screen pupils. (DfE 2022)*

If a pupil refuses to be screened, a senior member of staff should be consulted, which may result in the pupil being refused admission into the school building. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety. If a pupil refuses to be screened and is denied entry, then the absence should be recorded as unauthorised.

SEARCHING GUIDANCE

School staff can search a pupil for any item if the pupil agrees.

Headteachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

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Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for. (DfE 2022)

- *The person conducting the search may not require the pupil to remove any clothing other than outer clothing.*
- *Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.*
- *'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.*
- *A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.*

(DfE 2022)

SCHOOLS' OBLIGATIONS UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)

- *Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.*
- *The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate.*
- *The powers to search in the Education Act 1996 are compatible with Article 8.*

A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way. (DfE 2022)

PROCEDURE – SEARCHING WITH CONSENT

Under schools' common law powers to search, any member of staff can search a student with their consent for any item. If a member of staff suspects a pupil has a prohibited or banned item in his/her possession, they should:

1. Ask the student to turn out their pockets, their bag(s) and/or their locker.
2. If the member of staff chooses to search the student's possessions themselves (i.e. beyond asking the student to show items in their possession) then they must do this in the presence of another member of staff.
3. If a student refuses to consent to the search the member of staff can apply an appropriate sanction as set out in the school's behaviour policy.
4. If any banned items are found then the member of staff should refer to the 'Confiscation' section, of this policy and apply an appropriate sanction as set out in the school's behaviour policy.
5. If any prohibited items are found then the member of staff should inform the appropriate Headteacher immediately so that they may respond as set out in the 'Confiscation' section, of this policy and the school's behaviour policy.
6. Staff involved should write up an account of any search made and forward to the appropriate Headteacher for use in response.

SEARCHING WITHOUT CONSENT

This would only be considered in extreme circumstances. The member of staff conducting the search should be the same gender as the pupil being searched and there must be another member of staff as a witness and, if possible, they should also be the same gender as the student being searched.

Items that can be searched for:

If a member of staff had reasonable grounds to suspect that a student has a **prohibited item**, the Headteacher authorises the members of staff, identified within Appendix A to this policy, to carry out the following:

1. Inform a member of the Senior Leadership Team of the intent to carry out a search without consent.
2. If the suspecting member of staff is not the same gender as the student being searched, arrange for an authorised member of staff that is the same gender as the student to lead it.
3. There must be another member of staff as a witness and, if at all possible, they should be the same gender as the student being searched.
4. If required and where practicable, move the student and their possessions to a location that is suitable for carrying out the search.
5. In the presence of the student and witness carry out the search of outer clothing, possessions and, if required, locker / bag.
6. If any banned items are found then the members of staff should refer to the 'Confiscation' section of this policy, and apply an appropriate sanction as set out in the school's behaviour policy.
7. If any prohibited items are found then the members of staff should inform the appropriate Headteacher immediately so that they may respond as set out in the 'Confiscation' section of this policy, and the school's behaviour policy.
8. Staff involved should write up an account of any search made and forward to the appropriate Headteacher.

CONFISCATION GUIDANCE

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline. (DfE 2022)

PROCEDURE – PROHIBITED ITEMS

If any prohibited items are found as a result of a search members of staff will be required to confiscate them immediately and take the item(s) to the appropriate Headteacher / Deputy Headteacher. They will be dealt with lawfully through the following procedure:

1. Where a person conducting a search finds **alcohol**, it is retained or disposed of.
2. Where they find **controlled drugs**, these must be delivered to the police through the local PCSO. They are to be placed in a sealed drugs bag with the details completed on them and then stored in the school safe until a time that they can be taken to the local police station to be destroyed.
3. Where they find **other substances,** which are not believed to be controlled drugs, these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be a 'controlled drug', they should treat them as controlled drugs as outlined above.
4. Where they find **stolen items**, these must be delivered to the police through the local PCSO unless there is a good reason not to do so – in which case the stolen item should be returned to the owner. These stolen items may be retained or disposed of if returning them to their owner is not practicable.
5. Any **weapons or items which are evidence of an offence** must be passed to the police through the local PCSO as soon as possible.
6. All other prohibited items are to be disposed of appropriately so as not to allow others access to or use of the items.

It is up to the Senior Leadership Team to decide whether there is a 'good reason' not to deliver stolen items to the police through the PCSO. In determining what 'good reason' is, the member of staff should take into account all relevant circumstances and use their professional judgment to determine whether they can safely dispose of a seized article. Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.

With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, school staff may judge it appropriate to contact the police if the items are valuable (e.g. phones / laptops) or illegal (e.g. alcohol / fireworks). Schools can dispose of alcohol and cigarettes as they think appropriate but this does not include returning it to the pupil.

STATUTORY GUIDANCE FOR DEALING WITH ELECTRONIC DEVICES

Where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so. (DfE 2022)

INFORMING PARENTS & DEALING WITH COMPLAINTS

Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

There is no legal requirement to make or keep a record of a search but it is the school's policy is to keep a record through the recording of searches – Appendix B

The school will inform the individual pupil's parents or carers where prohibited items are found, though there is no legal requirement to do so.

Complaints about screening or searching should be dealt with through the normal school complaints procedure.

RESOURCES

DfE (2022); Searching, *Screening & Confiscation – Advice for Schools*; Department for Education, London

APPENDIX A

MEMBERS OF STAFF AUTHORISED TO CARRY OUT SEARCHES WITHOUT CONSENT

The following members of staff have been authorised by the Headteacher to carry out searches where a member of staff had reasonable grounds to suspect that a student has a prohibited item:

- Headteacher
- Deputy Head Teacher
- Members of the Senior Leadership Team
- The Designated Leader of any school trip and an additional member of staff authorised by them.

Designated staff can decline to undertake a search.

TRAINING FOR MEMBERS OF STAFF

There is no legal requirement for a Headteacher or authorised member of staff to be trained before undertaking a 'without consent' search.
When designating a member of staff to undertake searches under these powers, the Headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

APPENDIX B

RECORDING OF A SEARCH PRO-FORMA

Student Name:	
Date:	
Time:	
Reason for search:	
Search conducted by:	
Authorised by (if applicable):	
Witnessed by:	
Items found:	
Items confiscated:	
Parent/Carer informed (Name):	